

# **Exhibit 76**

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEW JERSEY

3  
4 IN RE JOHNSON & JOHNSON MDL NO. 16-2738  
5 TALCUM POWDER PRODUCTS (MAS) (RLS)  
6 MARKETING, SALES PRACTICES,  
7 AND PRODUCTS LIABILITY  
8 LITIGATION

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12 The In-Person, Virtual Zoom, Telephonic  
13 deposition of GREGORY DIETTE, M.D., MHS was held  
14 on Wednesday, June 19, 2024, commencing at 9:00  
15 a.m., at the Sheraton Baltimore North Hotel, 903  
16 Dulaney Valley Road, Towson, Maryland 21204,  
17 before Susan Wootton, Notary Public.

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24 REPORTED BY: Susan Wootton, RPR, CLR

1           A           That is correct.

2           Q           All right. That was published some  
3 time in -- I believe it was made available  
4 May 15th, 2024?

5           A           Yeah. That's what it says on it.

6           Q           All right. Now, at the -- how did you  
7 obtain a copy of O'Brien 2024, now referred to as  
8 Exhibit 5?

9           A           Initially I heard about it from the  
10 lawyers from Johnson & Johnson who inquired  
11 whether I had seen it and read it.

12          Q           All right.

13          A           And I think I might have gotten a copy  
14 from them, but I also downloaded a copy from, you  
15 know, from PubMed as well.

16          Q           Who from Johnson & Johnson inquired of  
17 you as to whether or not you had seen this new  
18 publication?

19          A           I think it was likely Lucy Wilson.  
20 And when I'm saying "Johnson & Johnson," I mean,  
21 lawyers who represent them --

22          Q           Of course.

23          A           -- as opposed to the company itself.

24          Q           Of course. Okay. And you also recall

1 downloading a copy of that as well, correct?

2 A That's right.

3 Q All right. And after reviewing that  
4 study -- that study being Exhibit Number 5 -- you  
5 incorporated in your May 28th, 2024, the O'Brien  
6 works performed in 2024?

7 A That's correct.

8 Q All right. All right. We're going to  
9 set that aside and we will come back to it in just  
10 a moment.

11 Is it fair to say that the methodology  
12 that you employed -- for purposes of giving all  
13 the opinions you're going to be sharing with us  
14 today -- are the same methodologies that you used  
15 back in 2019?

16 A Yeah. It's all fundamentally the  
17 same, same methodology.

18 Q So the methods that you employed with  
19 regard to assessing causality in 2019 remain the  
20 same methodology that you used in 2024?

21 A Correct.

22 Q All right. Now is the methodology  
23 that you employed for purposes of assessing  
24 causality for your report in 2024, the same

1 methodology that you used when you testified  
2 before Judge Wolfson in the Daubert proceeding  
3 back in July of 2019?

4 A Yes, yeah. The fundamentals are all  
5 the same.

6 Q All right. At the time that you  
7 addressed Judge Wolfson, Chief Judge Wolfson --  
8 who was overseeing the multidistrict litigation --  
9 you had reviewed the literature?

10 A Yeah, the available literature to  
11 date.

12 Q All right. You had assessed the  
13 Bradford Hill factors in determining causality?

14 A I had.

15 Q All right. You considered the  
16 influence on study findings of bias, confounding  
17 and other sorts of errors, correct?

18 A Yeah, in addition to the Bradford Hill  
19 considerations.

20 Q All right. And you also looked at the  
21 different study designs, their strengths and their  
22 weaknesses, correct?

23 A Correct.

24 Q All right. You've also had an

1 opportunity to review the expert reports of some  
2 of the plaintiff's experts who are testifying,  
3 correct?

4 A That is correct.

5 Q All right. And based upon your review  
6 of the updated reports of the plaintiff's  
7 experts -- and comparing them to their reports  
8 that they also prepared back in 2018 -- you  
9 understand that those experts also employed the  
10 same methodology?

11 A It seemed -- it seemed so to me. I  
12 didn't see any, you know, fundamental differences  
13 in the methodology.

14 Q So any criticisms that you may share  
15 with me today about the plaintiff's experts --  
16 sitting here in 2024 -- are the same criticisms  
17 that you had with regard to methodology back in  
18 2019; is that fair?

19 MS. LEHMAN: Object to form.

20 A Let me just think for a moment. So, I  
21 think so. I mean, the details may be different  
22 because part of it is the application of the  
23 methodology, which I understand is not your  
24 question. I just want to make sure --